

GITXSAN ALTERNATIVE GOVERNANCE MODEL – WILL IT WORK

by

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Abstract

This paper will review the Gitxsan Alternative Governance Model – Gitxsan Reconciliation treaty model proposed by the Gitxsan Treaty Society on behalf of the Gitxsan nation. This treaty model presents components which have not been traditionally sought by First Nations.

A review and comparison has been conducted to determine if this treaty model is considered a nation fit relating to self-governance, socioeconomic gain, and preservation of culture and language.

Recommendations are provided for purposes of consideration by the treaty negotiators as they enter the final stages of treaty negotiations ensuring the best possible outcome for the Gitxsan nation.

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1.0 Introduction

Treaty talks in British Columbia are attracting many First Nations to the table to discuss the prospects of economic development, natural resources on the land, and self-governance. Among these First Nations are the Gitxsan located in beautiful Northern British Columbia covering 33,000 km of territory. The nation includes the communities of Gitanmaax, Gitwangak, Gitanyow, Gitseguekla, Glen Vowell and Kispiox. These communities are nestled along the Skeena, Bulkley and Kispiox Rivers known for its famous salmon sport fishing, hunting opportunities and outdoor recreational activities surrounded by rugged majestic views.

For purposes of this paper, the First Nation community of Gitanyow will not be recognized as they are engaged in treaty negotiations as a community through their Hereditary Chiefs.

The population within these communities tally approximately 6109 registered members as follows: Gitanmaax 700 residing on reserve and 1494 reside off totaling 2294 members; Gitwangak 437 residing on reserve and 823 reside off totaling 1260 members; Gitseguekla 513 residing on reserve and 462 who reside off totaling 975 members; Kispiox 710 residing on reserve and 870 residing off totaling 1586 members. There are a total of 3649 registered Gitxsan members who reside off reserve and 2460 residing on reserve (AANDC, 2013).

The Gitxsan, as a people, have been recorded as far back as 1822 by the first Hudson Bay trader, William Brown. He reported in his journal of the first meeting with the Gitxsan. As with many First Nations, they have been surviving long before the first European set foot on the territory and have existed since time immemorial.

2.0 Literature Review

As the Gitxsan move towards the finalization of treaty, there are unique challenges and considerations to be made in efforts of ensuring the greatest success. This paper will strive to determine if the Gitxsan Reconciliation – Alternative Governance Model (AGM) works towards attaining self- governance, sovereignty, economic sustainability and strives to preserve the culture and language.

A review of the Nisga'a Final Agreement will be completed to search for similarities, differences, and learn of the challenges this nation is facing. Empirical research will be explored to conclude a definition and outline of what exactly an ideal First Nation governance model entails, how this compares to the existing governance structure in the Gitxsan and to that of the structure identified in the AGM model.

Finally, a review of the Sechelt governance model will be completed to determine how their nation has responded to the adoption of a municipality style governance structure relating to the impacts on its members, economic development and financial well-being. Ideally, the end result of this project will identify the potential concerns with the AGM Model and provide recommendations for consideration to avoid erroneous outcomes.

3.0 Gitxsan – The People, The Culture

The Gitxsan are a matriarch society where lineage follows the Gitxsan mother. One is either born into a house group (*pdeek*) through a Gitxsan womb or adopted into a house group and are not necessarily related by blood line. For this reason, members cannot marry one another and refer to each other as brother, sister, aunt, uncle, grandma, and grandpa as one large family. All house group members are taught to practice and follow Gitxsan laws (*Ayookw*) as taught by the elders.

The hereditary system is a vital component of Gitxsan culture. It defines who we are as a people through the songs, dance, stories, and practices. Within each of these house groups are a Hereditary Chief (*Simoget*) and Wing Chiefs who are the leaders. The Wing Chiefs act as advisors to the Chief and will act on the Chief's behalf in their absence.

Only those born of a Gitxsan womb can inherit these Chief roles. Traditionally, the Chief is determined by the matrilineal blood lines which determines who shall be selected as Chief. Unfortunately, those born to a non-Gitxsan mother cannot inherit these Chief roles and have limited rights. Nor do these inherent rights follow a Gitxsan father as all rights follow the Gitxsan mother. The birth of a daughter from a Gitxsan womb is ideal in order to extend the lineage another generation. However, the birth of a female to a non-Gitxsan woman does not bring the same stature to the matrilineal extension.

There are 65 house (*Huwilp*) groups in the Gitxsan nation each with their own territory. See Appendix 1 – Territorial Map. House (*Huwilp*) group members are able to secure trap lines, fishing holes and tap into the lands resources to provide for themselves and their family unit within their traditional territory. Each of these house (*Huwilp*) groups belongs to one of four clans being the Wolf (*Lax Gibuu*), Fireweed (*Gisgaast*), Frog (*Lax Seel*) and Eagle (*Lak Skiik*) as shown in Figure 1.

Figure 1: Gitxsan Hereditary Governance System



Each of these clans holds a traditional crest unique to its members. These crests are utilized on regalia, vests, artwork, and totem poles holding valued oral history unique to the clan.

Membership numbers within each house (*huwilp*) varies depending on how many are born from a Gitxsan womb and can vary from as few as 50 to as many as 350. A larger house (*huwilp*) is deemed more powerful in the feast hall. This power is demonstrated through their ability to host a traditional feast with greater monetary contributions, goods, and workers.

The feast hall is where the Gitxsan practice traditional ceremonies, conduct business, and where protocol is practiced. There are several practiced feast ceremonies to include the Smoke Feast – to give spiritual guidance to a recently deceased member; the Shame Feast – a member who has committed an act requiring an apology to their victim; a Head Stone Feast – the placing of a head stone on a deceased member to name a few. Specific protocol is to be

followed by those hosting a feast and by those who are witness to the business at hand during a feast. The feast systems are spoken in the traditional language, an immersion if you will.

A feast is held by one of the four clans – Wolf, Fireweed, Frog, and Eagle. All the house groups within the host clan work as one to host such a feast. For example, in the Wolf (*Lax Gabuu*) clan there are seven house groups who work together as one under the direction of their Chiefs. Costs of material, goods, and monetary contribution are divided amongst the house group members based on the status of the individual members traditional name. The higher ranking the traditional name – the more you are required to contribute by way of money, goods, and carrying out of specific roles.

3.1 Gitxsan Governance

The Gitxsan Government Commission (GGC) originally came to exist through the transfer of services from Aboriginal Affairs and Northern Development Canada (AANDC) in 1986. GGC provides advisory services to the First Nation bands of Kispiox, Glen Vowell, Gitanmaax, and Gitanyow. The advisory services are provided for finance, social development, education, technical services, lands, membership and housing. GGC employs technical advisors who work closely with the bands.

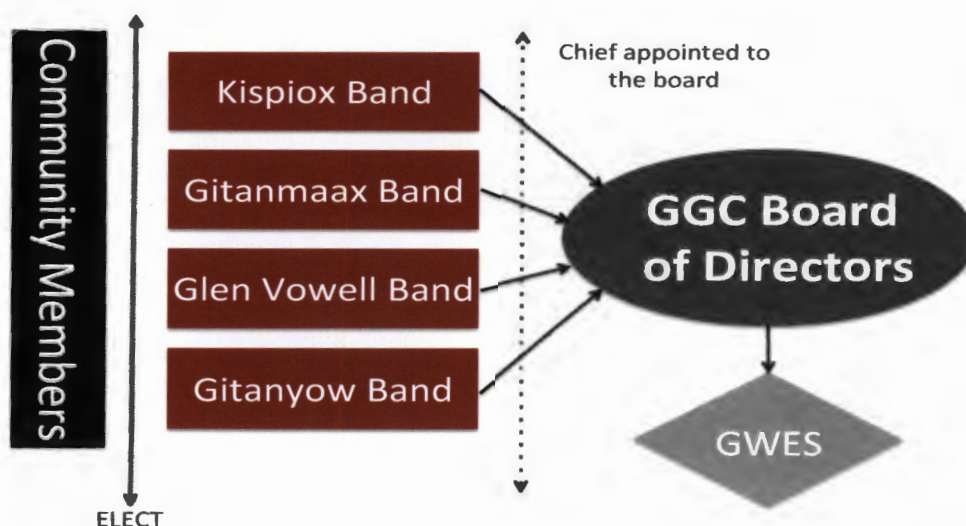
Funding is provided by AANDC on behalf of these bands by way of a Band Council Resolution (BCR) signed by the elected Chief and Council at the time. A BCR is an administrative declaration of the Band Council with respect to a particular matter of a temporary character; it does not prescribe a permanent rule of local government. (AANDC Governance By-Law Workshop Session 1, 2010). A BCR generally expresses the will of the Band Council on a particular occasion which is not likely to recur and its subject matter is not usually as important as that dealt with by the Council in a by-law. (AANDC Governance

By-Law Workshop Session 1, 2010). GGC then distributes these funds to the member bands on a monthly and quarterly basis. This agency is under a Canadian First Nations Funding Agreement which is a five year block funding arrangement with AANDC.

The four elected Chief Councilors of the member bands also serve as the Board of Directors for GGC providing the leadership, governance, and political arena. As outlined in Figure 2, the community members elect their Chief and Council, the elected Chief is then appointed to the GGC Board. The terms are two years in duration as per the band election system. There is an overlapping of knowledge as each community has election terms expiring at differing times allowing for continuity of business at the table.

GGC also provides a financial advisory role to the Gitxsan Wet'suwet'en Education Society (GWES) which is a First Nations learning center located in Hazelton, BC. GWES offers trades programs and various accredited programs throughout the academic calendar year.

Figure 2: Gitxsan Government Commission (GGC) Governance Structure



3.2 Gitxsan Hereditary Governance System

Since the beginning of time, Gitxsan laws have been practiced by generations of Chiefs and Wing Chiefs. This hereditary system has been ingrained in their customs, governance, and values.

Gitxsan traditional law is not just about the practices, information and rules but rather the reasoning within these traditional values which has enabled the Gitxsan to live in a harmonious state for generations.

Hereditary Chiefs have decisive authority, meets with other Hereditary Chiefs to discuss concerns or issues that have been raised, and liaises with the house group. Wing Chiefs, are considered the second in command to the Chief who steps in when the Chief is not available. The Wing Chief also helps Gitxsan systems run smoothly and has the ability to make emergency decisions. The next level of hierarchy is called the Second Level where these members understand, teach and apply the Gitxsan laws, traditions, and values. The Second Level also advocates for the younger house group members, is witness to the business conducted in a feast hall, and consults with the Chief providing solutions and recommendations.

The Gitxsan were involved in a precedent setting court case forever changing how First Nations and the government negotiate Aboriginal rights and title. In 1984, the Gitxsan and Wet'suwet'en First Nation filed a law suit against the Province of BC claiming jurisdiction and ownership to 58,000 km of traditional territory. The claim identified where provincial laws conflicted with traditional laws in the territory; that traditional law supercedes. There were 35 Gitxsan and 13 Wet'suwet'en Chiefs who filed this lawsuit which began in court May of 1987. This court case is known as *Delgamuukx vs British Columbia*.

Initially, the BC Court declared that aboriginal title was extinguished by laws of the

colonial government before becoming part of Canada in 1871. At which time, this was when the authority to pass laws regarding First Nations people was established.

The presiding judge, Chief Justice Allen McEachern declared "aboriginal rights, arising by operation of law, are non-proprietary rights of occupation for residence and aboriginal user which are extinguishable at the pleasure of the Sovereign" (Burrows, 1999). The judge further declared he "was not satisfied that they owned the territory in its entirety in any sense that would be recognized by law" (Burrows, 1999). This judge was viewed as discriminatory and ignorant having dismissed all the oral testimony presented as evidence claiming the oral histories were nothing more than fantastical stories based on myths. He further declared Aboriginal rights (if they ever existed) were extinguished in 1858.

This decision was appealed in the BC Court of Appeal where the decision was upheld as found in the BC Court. In a 3:2 decision, the appellate court upheld the trial judge's rejection of Gitksan and Wet'suwet'en claims to ownership and jurisdiction, though it recognized lesser Aboriginal sustenance rights (Burrows, 1999).

During the Appeal Court process from 1991 to 1993, it was then the court determined Aboriginal title was not legally extinguished in British Columbia and continued to be a protected right under the Canadian Constitution. In June 1997, the Gitksan and Wet'suwet'en filed another appeal and was heard in the Supreme Court of Canada. In December 1997, the Supreme Court of Canada determined aboriginal title consists of the right to exclusively use and occupy the land including the right to choose how the land can and shall be used. It is no longer limited to traditional usage. The ruling also recognized the history and teachings of the Gitksan were vital pieces in the self-governance practiced by the Gitksan prior to contact with settlers and traders. Land title remains a valuable resource held by the Gitksan today which identifies house groups, territorial boundaries, rights and cultural value.

3.3 *Gitxsan – Band Governance System*

As with many First Nation governing bodies or band councils, the Gitxsan receive their program delivery dollars from AANDC. These funds are for the purpose of delivering programs and services such as housing, education, social services, and community infrastructure.

Registered First Nations are able to elect a First Nation governing body in their community. This is accomplished through election of six to twelve councilors holding two year terms as voted by the band members. For every 100 members, one council is elected. The elected Chief and Council have a variety of roles and responsibilities relating to governance, leadership, policy regulators, and advocates.

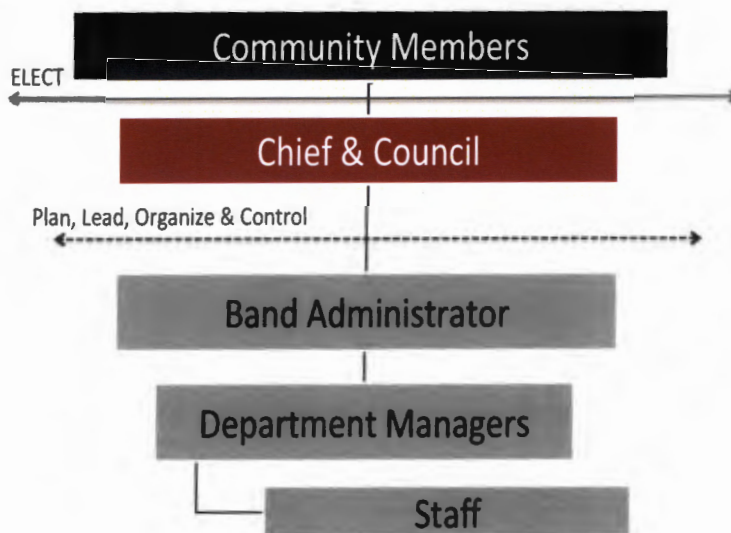
As with any governance model, there are issues and concerns. The most repetitious concern voiced with the band election process is the issue of larger families in the community control the voting. Unfortunately, this behavior is seen all too often in First Nation communities. This is most commonly played out as these larger families strongly believe having a family member(s) on council will allow for personal gain in the form of a job, housing opportunity, or access to critical information. This is an unfortunate practice considering members do not cast their vote for candidates who have the ability to create a positive change and provide the leadership the community so desperately needs.

The struggles an elected council face are daunting and challenging to say the least. Dealing with family and friends when applying policy and procedure can only be accomplished by those who enforce the existing policies. However, more often than not, policy is massaged to allow for exceptions. This practice is not consistent with a governing body striving for accountability, transparency, and building trust with their membership. Quite simply, these governing bodies must adhere to the current policies in place to allow for

equality amongst all.

As identified in Figure 3, it clearly shows the hierarchy of the First Nation Governance structure utilized in the Gitxsan nation.

Figure 3: Band Governance Structure



The band office staff are accountable and reports to the Department Managers, who report the Band Administrator, who reports to the Chief and Council, who report back to the community members. Essentially, the Chief and Council have one employee, the Band Administrator who oversees the Department Managers and staff. It is important to understand that Chief and Council should not be interacting with staff regarding daily business. This is the role of the Band Administrator who also handles the majority of the community queries acting as a liaison for Chief and Council as well as the staff. Chief and Council are accountable only to the membership and provide updates to the community members by way of annual general meetings, social media, and newsletters.

4.0 Seeking Treaty – The Gitxsan Nation

On July 15, 1994, the Gitxsan Treaty Office (GTO) submitted a Statement of Intent (SOI) with the British Columbia Treaty Commission under the name Gitxsan Hereditary Chiefs on behalf of the First Nation communities of Gitanmaax, Glen Vowell, Gitwangak and Kispiox.

In this SOI, the GTO stated there were 8500 Gitxsan members they were representing (AANDC, 2009). The decision to engage in treaty was originally determined in 1994 collectively by approximately 60 Chiefs (*Simgiigyey*). The initial mandate of the GTO was to attain treaty funds for the purpose of negotiating and to protect the rights and title of the Gitxsan (Gitxsan, 2010).

However, to engage in treaty talks with the British Columbia Treaty Commission, GTO was advised of the requirement to be recognized as a legal entity. In November of the same year, GTO filed for society status and became the Gitxsan Treaty Society (GTS) (Gitxsan, 2010).

The GTS is governed by 26 Hereditary Chiefs who hold board of director seats. The board members are elected into 1, 2, and 3 year terms for select house groups and cannot hold more than three seats (www.gitxsan.com, 2010). It is an unwritten requirement as a Hereditary Chief to communicate regularly, openly and truthfully with its house group members. This sharing of knowledge is vital for the house group members in decision making, discussion, and sharing.

With a total of 65 hereditary chiefs in the territory, there is concern why there are only 26 who hold the board of director seats at the GTS. Essentially, these 26 Hereditary Chiefs are speaking on behalf of house group members that do not belong to their house. This is not an accepted practice in Gitxsan culture. A Chief from one house cannot speak on behalf of

another.

It is understandable for a First Nation to want to move forward for the purposes of attaining sovereignty and self-governance. There are many benefits associated with sovereignty to include sole decision making, accessing of more funds, the ability to work towards administering and governing services such as health care, child welfare, social programs, and education for its members.

To have the ability to decide exactly what the development strategies and goals will be, the way in which to self-govern, and how culture will play in the process of rebuilding the nation is ideally the end result for all First Nations. After all, this is what self-determination means: the freedom to make meaningful choices about the future and learn from those choices (Begay, Cornell, & Jorgenson, 2007). Gitxsan members are a proud nation whose goal is self-empowerment, education, and employment within the territory while preserving the culture and language.

5.0 Gitxsan Today

The Gitxsan Hereditary Chiefs led by the GTS, are among the 44 First Nations who are currently in Stage 4, Agreement in Principle, of the treaty process. It is the goal of the GTS office to have this treaty finalized by 2015 and to have a signed Agreement in Principle by the end of 2013.

During the years 1994 – 2008, a large number of Gitxsan members were not aware treaty negotiations were taking place on their behalf. Those in opposition clearly state they did not grant permission for anyone to speak or vote on their behalf. As the idea of treaty penetrates the Gitxsan Nation, the resentment and anger builds creating a division with the nation and house groups to a point of dysfunction.

Those territories opposed to the AGM treaty negotiations are illustrated in Figure 4. This diagram is impactful as this map puts into perspective the large representation of Gitxsan house groups opposed to the treaty process.

Figure 4: Map Opposition to AGM Treaty negotiations



Since 2008, when the Gitxsan nation first learned of the treaty talks being sought on their behalf through paid advertisements on the radio, local and provincial newspapers, there has been a surge of opposition. In December of 2008, a lawsuit was filed by several Hereditary Chiefs now known as the *Spookx vs Gitxsan Treaty Society* court case.

There have been many rallies, house group meetings, as well as a lengthy blockade. This blockade lasted several weeks catching the attention of the media, local and provincial newspapers. In January 2012, the court found the GTS illegal for having operated without

membership and without a properly appointed board of directors. GTS then went before the court in March 2012 requesting the court grant the society time to fix these issues. At this time, the court was advised by the BC and Canada Government to ensure any decision made does not implicate the treaty loan funding reported to be at 21 million. The judge then granted the GTS the ability to come back with a second proposal on how to fix itself and to encourage anyone in the nation to become a member of the society. There has not been a ruling thus far on this specific matter.

In the fall of 2012, an audit was conducted by the firm, Deloitte & Touche LLP for purposes of reviewing the alleged misappropriation of funds by GTS in regards to the treaty loan funds received as well as the funds utilized by the negotiators. The final recommendations suggest an independent review and assessment to be undertaken in relation to the management practices ensuring sound management and governance practices.

The litigation court case is ongoing with recent developments in January 2013. The legal counsel for the GTS has resigned creating speculation as to why this happened.

6.0 The Treaty Process

In 1992, The BC government, First Nations, and Canada signed an agreement resulting in the creation of the British Columbia Treaty Commission in 1992. This agency is the administering authority in dealing with all First Nation communities in British Columbia in working towards the negotiation and finalization of a treaty. British Columbia Treaty Commission is funded by the federal and provincial governments and through resolution of the First Nations Summit (BC Treaty , 2012).

The three main roles for the commission are facilitation, funding, and to provide public information and education. British Columbia Treaty Commission appoints

commissioners to each negotiation table, and the attendance of the Commissioners is dependent upon the progress of talks. The First Nations Summit of British Columbia appoints 2 members, selected by election of Chiefs, while Canada and British Columbia each appoint 1 Commissioner; and the 4 Commissioners then appoint the Chief Commissioner agreed upon by the parties.

Treaty is a voluntary process available to all First Nation communities in British Columbia. Treaty negotiations are intended to recognize First Nations governance on their territory. It is important to remember that the British Columbia Treaty Commission is not an arm of any government – it is an independent body and does not negotiate treaties. That is done by the three parties at negotiating tables: First Nations and Canada and British Columbia governments.

6.1 Treaty Process Today

Currently, there are 60 First Nations in British Columbia who have chosen to exercise their right by way of engaging in treaty negotiations with the intent of attaining self-governance, sovereignty, and cultural preservation (BC Treaty , 2012). It is evident, since the inception of the British Columbia Treaty Commission in 1992, there have only been two ratified treaties leaving one to speculate is the treaty process the way in which First Nations wish to seek independence. The two treaties to have reached a Final Agreement are the Tsawwassen First Nation – April 2009 and the Maa-Nulth First Nation – April 2011 (BC Treaty , 2012).

British Columbia Treaty Commission outlines a six step process which all First Nations are subject to should they choose to engage in treaty negotiations. The stages of treaty are as follows:

Stage 1: *Statement of Intent* - the First Nation issues a *Statement of Intent* (SOI) with the British Columbia Treaty Commission to begin the negotiation process. This SOI must contain the following information to be considered complete:

- Verification of the First Nation community
- the type of organizational structure by way the community governs itself
- geographic location of the territory
- have the approval of the membership to enter into the process of treaty
- identify the number of members living on and off reserve
- disclose any overlaps or shared resources with other First Nations
- identify the members of the negotiating team

Stage 2: *Readiness to Negotiate* - The Commission is required to respond should it accept a *Statement of Intent* within 45 days. At which time, an initial meeting of the parties, Canada, British Columbia and the First Nation will take place in the traditional territory.

During this meeting, the First Nation must identify the following is in place:

- A qualified and appointed negotiator (s) with a clear mandate to negotiate
- Confirmation of constituent support and a ratification procedure
- Adequate financial resources to undertake negotiations
- Have an established process to handle any potential overlapping territorial issues with other First Nation groups

During this stage, all parties address their main issues of concern and exchange information. The Commission then determines if the First Nation group has met the Criteria for Readiness. Once this is established, the negotiations move onto Stage 3.

Stage 3: *Negotiation of a Framework*: the parties move towards an agreement on the contents of the framework. This identifies the following:

- Time frame for completion
- Goals and procedural arrangements identifying milestones to be reached at agreed upon stages in the negotiation process

Canada and the BC Government now begin to engage in public consultation at the regional and local levels through Regional Advisory Committees and when required through a Local Advisory Committee. The parties will continue these public information groups for the duration of the negotiation process.

Stage 4: *Negotiation of an Agreement in Principle*: negotiations begin amongst the parties with the intent of reaching agreements for each of the topics within the framework.

At this time, the negotiations include the following:

- Authority and structure of government
- The future interest in land and resources
- How to handle disputes
- How to amend processes
- Confirm the commitment of all three parties through a ratification process which will then allow the parties to begin the implementation plan

This ratification process provides an opportunity for all parties to review, amend, reject or further discuss the treaty agreement. The negotiators are now sought by the government bodies to finalize the treaty.

Stage 5: *Negotiation to Finalize a Treaty*: the negotiations are now formalized by way of the newly formed constitutional treaty whereby the technical and legal issues are resolved. The treaty is then signed and formally ratified.

Stage 6: *Implementation of the Treaty*: the framework of the treaty is implemented as agreed upon by the parties. It is understood by all parties to act in goodwill and remain active during this stage until the treaty is matured and completed its course which can take several years pending on the agreements made among the parties. During this final stage, the *Implementation of Treaty* does not have time limitations attached and are unique to the individual First Nation community.

Aboriginal groups participating in the treaty process want to maximize their control over their traditional lands to protect their traditional ways of life and practices (Alcantara, 2009). To exercise their right to govern while managing and delivery services such as education, health, and governance is the ultimate end result.

In today's treaty process, Government bodies recognize how labor intensive, costly and exhausting the process is. Having recognized this, these governing bodies are becoming more hesitant to engage in new treaty talks with First Nations. Government bodies do not pursue the idea of treaty unless there is absolute certainty. The emergence of certainty as the object of desire of politicians, treaty negotiators, and industry leaders in the late 20th century is significant (Blackburn, 2005).

Today, uncertainty in British Columbia stems from a constellation of social, economic, and legal features that are specific in the ways they have blended into both an awareness and production of uncertain, undefined, but legally present Aboriginal right (Blackburn, 2005).

In the book, *Rebuilding Native Nations – Strategies for Governance and Development*,

the authors Stephen Cornell and Joseph Kalt discuss in Chapter 1 the idea of two approaches in the development of First Nation governance. Cornell and Kalt are of the opinion that one approach works – the Native Nations Approach; and the other does not work - the Standard Approach (Cornell & Kalt, 2007).

In the Standard Approach, the characteristics include a) decision making is short term and nonstrategic b) persons or organizations other than the First Nations set the development agenda c) development is treated as primarily an economic problem d) the culture is treated as primarily an economic problem and e) elected leadership serves as a distributor of resources (Cornell & Kalt, 2007).

The Standard Approach characteristics resemble that in which AANDC administers and manages programs and services to the First Nation communities in British Columbia. There are many similarities when overlapping AANDC with the Standard Approach – First Nation communities are governed by rules created by an outside agency not affiliated with the community, funding and programs are restricted in its capabilities due to policy guidelines which do not fit the community or Nation's needs, and the elected governance are viewed more as distributors of resources rather than administrators and leaders.

Originally, First Nations had inherent sovereignty for years which provided structure, culture, practice, and balance. With the onset of colonization, First Nations became unbalanced and disorientated trying to adjust to a foreign governance structure and societal differences.

With high unemployment, band membership continually places the expectation on their band office administration to provide employment opportunities and pressures the elected leadership to create these opportunities within their term in office.

Having been elected for three terms as a band councilor, I have found the term in

office as a restrictive time frame not fostering the opportunity to create positive change. With every election, the leadership is met with old business to contend with and usually faced with the issues of deficits. Time is spent on addressing matters relating to housing deficits, mismanagement of funds, and membership concerns. Nepotism is always viewed as a concern relating to those employed at the governing band office which can be difficult to avoid.

The problem is not the people; it is the approach itself and the system that elected officials, planners, and managers must work within (Cornell & Kalt, 2007). The results of a Standard Approach are not promising with many failed economic ventures, continued poverty, an environment dependent on federal funding, and all too often bureaucratic corruption. The top down approach is not effective in working towards sovereignty for First Nations. Rather, the bottom up approach would be much more effective allowing for positive results.

Now, taking a look at the characteristics of a Nation Building Approach which include a) First Nations comprehensively assert decision-making power b) First Nations back up decision-making power with effective governing institutions c) governing institutions match their own political cultures d) decision making is a strategic approach e) leaders serve as nation builders and mobilizers (Cornell & Kalt, 2007).

Traditional treaties contain many similar characteristics to that of the Nation Building Approach. During the stages of treaty, the First Nation group is completely immersed in the creation and finalization of the treaty process. Ensuring the framework is customized to the meet the need of their nation. With this approach, the First Nation is granted the opportunity to create the governance policies required to support their goals and vision.

In the Nation-building approach, non –Indigenous governments move from a decision-

making role in Native affairs to an advisory and resource role (Cornell & Kalt, 2007). These governing bodies deem relinquishing this control over to First Nations as extremely difficult. This release of control then allows for development potential for the First Nation. The now self-governing First Nation will no longer be reliant on federal funds, policies and interference. Enabling to self-direct, govern, and take responsibility and ownership for the direction to be taken by their community.

7.0 Methodology

A review of the Nisga'a Final Agreement will be completed for purposes of determining how the Gitksan AGM differs in delivery and content. In order to determine which components should be included in a treaty would prove to be a difficult task to compile such a list. There is not one acceptable blueprint First Nations or the government bodies adhere to during this process. However, there are common characteristics in treaties in which First Nations strive to address as follows (McKee, 2009):

- Formation of systems of self-government
- The acknowledgement of land and resources, other than crown lands, that were alienated as a result of rural and urban development and industry
- The creation of economic development initiatives for First Nations
- First Nations to play a larger role in the management of fisheries, mining, and forestry

7.1 *The Nisga'a Treaty*

The Nisga'a Final Agreement completed Stage 6 of the treaty process in 1998 and reached legal effect in April 2000. This treaty was in the making for over 100 years where it first began in 1867 when the people began petitioning the Government to recognize their

rights and ownership of the territory. Unlike most treaty negotiations, these talks were conducted outside of the British Columbia Treaty Commission process and ratified by the House of Commons (AANDC, 2013).

Today, the Nisga'a Nation owns approximately 2,000 square kilometers of Nisga'a Lands in fee simple. Nisga'a citizens are entitled to fish in the Nass Area covering approximately 26,838 square kilometers and hunt in the Nass Wildlife Area covering approximately 16,101 square kilometers.

The Nisga'a government is democratic and composed of the Nisga'a Lisims Government (NLG) and four Nisga'a Village Governments. Each Nisga'a Village acts through its Nisga'a Village Government in exercising its rights, powers and privileges, and in carrying out its duties, functions, and obligations.

According to Blackburn (2005) "rather than ceding rights in exchange for a different set given by the government, the undefined Aboriginal rights of the Nisga'a people are modified into the defined rights set out in the treaty, and continue as such. They are transformed but *their original source* as the inherent rights of the Nisga'a people *is not, theoretically changed*" (Alcantara, 2009).

The Frontier Centre for Public Policy published "*The Nisga'a Treaty –Self Government Good Governance: The Jury is Still Out*" in June 2011. Data was collected through interviews by an externally hired firm. These interviews were conducted with a quasi Tsimshian group, Nisga'a members, and unidentified key informants (Quesnel & Winn, 2011). The goal was to determine from the perception of the constituents exactly how the treaty has impacted the nation 13 years later. In summary, the Nisga'a constituents viewed the following:

- Have greater trust in their government body today than a decade ago

- Believes their government performs better at issuing health and education services
- View their government as failing to engage in consultation meetings as often as it had prior to the finalize of their treaty
- Poor governance habits adopted under the *Indian Act* are not easily removed
- Nepotism still exists in relation to family led voting and the inability to separate business and administration from politics
- Economic development requires more investment by the government as this area is viewed as having made little progress since treaty
- Housing problems exist requiring the band governance to move to evictions for non-payment of rent and/or damages

Presently, the Nisga'a constituents are in agreement of two positive changes 1) having more trust in their government 2) believes their government performs better at issuing health and education services. However, the constituents still believe there are no improvements in housing, economic growth/employment opportunities, internal governance issues relating to nepotism, and poor governance habits.

With the signing of the Final Agreement, the Nisga'a nation lost 8% of their traditional territory or 1992 square kilometers which contributes significantly to the economic growth opportunities. As a result, many Hereditary Chiefs are left without their traditional land, fishing holes, and hunting grounds.

The Nisga'a Final Agreement also considers four side agreements: an own source revenue agreement, a fiscal financing agreement, a taxation agreement, and a harvest agreement. Side agreements are a means of attaching a contractual relationship to an overall treaty relationship. This is a growing and acceptable practice for the inclusion of side

agreements during the treaty process.

Today, the Nisga'a recently passed a *Landholding Transition Act*. This legislation gives anyone the right to own, buy, sell and rent land on what used to be collectively owned native land -- a Canadian first (McDonald, 2010). This *Act* will enable homeowners to utilize their home as collateral when seeking financial loans.

Financially, this treaty generated a \$60 million dollar bill which the nation is now required to pay back over a 14 year period (Nisga'a Nation Knowledge Network, 2010). Within this treaty, \$190 million dollars were to be transferred to the nation over a 15 year period to assist with the delivery of programs, services, and governance.

During my research into the Nisga'a Final Agreement, it became apparent the British Columbia Treaty Commission, BC and Canada Government do not have a follow-up process in place to determine how a First Nation is doing post treaty. For instance, there will be no research completed to assess where the Nisga'a are today as a people and a nation. This is most definitely a shortfall in the treaty process and must be given serious consideration. This follow up piece will provide valuable findings as to how other First Nations, the governments, and the British Columbia Treaty Commission should work together in achieving a successful transition for the success of First Nations seeking self-determination.

In a report released by the British Columbia Treaty Commission, "*Looking Back, Looking Forward – A Review of the BC Treaty Process*" it brings to the forefront the lack of follow-up reporting relating to post treaty. The report states "*the Commission has not enforced all of the formal reporting requirements contained in its policies and procedures*" (BC Treaty, 2009).

I found it interesting to learn that the British Columbia Treaty Commission does have a process in place to monitor the First Nation's consultation and public information sessions

prior to the finalization of treaty. These reports are kept for purposes of determining the effectiveness of such public sessions in the treaty process.

In comparing the AGM proposed model and Nisga'a treaty, there are a few similarities identified as follows:

- Both identify the removal of their members from the *Indian Act*
- Both identify their members will pay taxes as a result of not being recognized under *the Indian Act*
- The land the nation owns is now one that duplicates that of Crown land or a municipality

7.2 *Sechelt Indian Band*

In May 1986, the *Sechelt Indian Band Self-Government Act* was passed after 15 years of negotiation and consultation. This was a specific piece of legislation that allowed the Sechelt Indian Band to move toward self-government. This *Act* granted authority to the Sechelt Band to exercise delegated powers and negotiate agreements surrounding specific issues.

Under the legislation, the community was able to establish a legal entity with the power to enter into contracts and agreements; acquire, sell and dispose of property; and spend, invest and borrow money. The community was empowered to set up its own constitution establishing its government, membership code, legislative powers and system of financial accountability. The elected council has the power to pass laws on a range of matters including access to and residence on Sechelt lands, administration and management of lands belonging to the band, education, social welfare and health services, and local taxation of reserve lands.

The legislation transferred fee-simple title of Sechelt lands to the band and contains a

provision for the negotiation of funding agreements in the form of grants or transfer payments administered by the band council. The Sechelt Indian band now has municipal status under provincial legislation. It has greater law making powers than that of a local government.

Some First Nations have criticized the Sechelt model as a municipal-type arrangement governed by provincial legislation. The Sechelt deny this criticism confirming their model is unique to their community's goals, vision, and needs.

In comparing this governance model to that of the AGM, there are no true similarities identified. With Sechelt, self-governance is at the forefront of their change allowing for jurisdiction and control of which the AGM does not identify this form of self-governance.

7.3 The Gitxsan Alternative Governance Model (AGM): Gitxsan Reconciliation

The AGM is a new revised model to that of the original treaty being sought by the GTS until 2008. It is the view of the GTS the standard treaty model involves treaty settlement land and a new form of Indian government which would replace Indian Act Bands and Councils, continue to administer a third order of government concerned with such matters as education, housing, welfare, core infrastructure, economic development and so on (Gitxsan Treaty Society - AGM, 2008). As a result, the AGM declares it does not wish to create unnecessary issues of complexity, capacity, perpetual intergovernmental negotiations and funding (Gitxsan Treaty Society - AGM, 2008). It further declares it to be unreasonable to continue the band governance systems, or to establish new agencies for the purposes of providing services already in place through the Province relating to health, governance, and education.

The AGM is one which identifies four basic tenants to include Uniqueness, Land and

Economic Development, Indian Status, and Taxes. The GTS have a clear vision and understanding where only those members born from a Gitxsan womb shall be identified under this particular proposed AGM treaty. The Gitxsan seek to establish a treaty that rejects the paternalism of their past relationship with the federal government (McKee, 2009). Let's now explore the four characteristics of the AGM.

1. Uniqueness is the recognition where the terms "band" and "Gitxsan" are not one in the same (Gitxsan Treaty Society - AGM, 2008). The Gitxsan traditional system does not accept band governance or reserves named under this governance structure. The concern is in regards to the non-Gitxsan born members who are being granted Indian Status through the band governance system rather than following the traditional hereditary system. These non-Gitxsan members are born from a non-Gitxsan womb and would not be recognized under the hereditary system nor granted status.

Essentially, reserve lands identified under the Kispiox, Glen Vowell, and Gitanmaax bands would be discontinued as would the band governance, services, and removal of non-Gitxsan band members. This raises concern regarding the *Delgamuukw* case where it was recognized of the important role band governance plays in protecting aboriginal rights (through policy development), providing for the well-being of their membership (through program services) verse the role the hereditary system plays. It was deemed by witnesses involved in the case the hereditary system is responsible for the right and title off reserve whereas the band governance systems dealt with rights and title on reserve. Keeping in mind, band governance receives some of its authority from the *Indian Act*, they practice self-governance and take direction from their membership.

By way of an elected band governance system, individuals who may not otherwise have a voice in the hereditary system are granted the opportunity to participate in Gitksan government decisions.

2. Land and Economic Development

Within this tenant, it states the Gitksan are not interested in negotiating for ‘treaty settlement lands’ (Gitksan, 2010). Gitksan are seeking to work in partnership with external agencies or investors by way of formed agreements to generate revenue for the Gitksan. The GTS have determined the details pertaining to fair treatment by the governments regarding the Gitksan’s inherent right to land entitlement as a key area for negotiations. This right entitles the Gitksan to share in the decision making in the development of the territory and to a share of the wealth the land and resources will generate. Aboriginal groups have tended to oppose the extinguishment provision for a variety of reasons relating to their unique conceptions of sovereignty and land ownership (Alcantara, 2009).

Today, the GTS declares there are two active economic ventures in operation on the territory; a Gitksan Watershed Authority and a Short Term Forestry Agreement with the provincial government creating employment and revenue. They further declare the revenue generated from these ventures are issued to the Hereditary Chiefs to be disbursed through traditional practices. There is also mention of a Carbon Credits Plan and a Cogen plant which are not currently in operation in the territory.

The *Indian Act* is essentially completely removed in exchange for a piece of the wealth generated by the resources on the traditional Gitksan territories.

As declared in the *Delgamuukw* case, Aboriginal people do have Aboriginal title in

British Columbia to the land in which they inhabit and simply not just a right to hunt, fish, trap, or gather. This identified land title is equivalent to being a land owner with the ability to extract resources, build, or deny access. However, Aboriginal title does have its limitations. For instance, the land is considered a collective ownership where no individual can own the land but is seen as an ownership by all. This land can only be sold back to the federal Crown (BC Treaty , 2012).

Currently, under *Section 29* of the *Indian Act*, protection is provided for sale and seizure of any reserve land ensuring these properties do fall into the hand of a third party. Personal property located on reserve which is owned by a status First Nation cannot be used as collateral and is not subject to seizure as identified under *Section 89(1)* of the *Indian Act*. Under the AGM, the reserve lands will revert back to crown land subjecting these properties to property tax assessments, possible fines, seizure and sale of property and land. There would no longer be the protection offered under these two sections of the *Indian Act*. There is no indication of treaty settlement lands to be selected allowing for non-Gitxsan to purchase these land titles which will be lost from the territory. This is possible under the *BC Land Title Act*. There is an estimated 809 land holdings on reserve which will be impacted.

The possibility of losing traditional land brings to the forefront the potential loss of traditional fishing holes, loss of Gitxsan ties to historical land markers, loss of language and culture as a result of not having a territory to practice traditions.

3. Indian Status

In reviewing this tenant, it speaks to the concept of the lack of intent on the part of the Gitxsan to instill any form of self-governance within the territory. Rather, the Gitxsan membership in its desire to be an equal Canadian citizen would fall under

the provincial government jurisdiction for medical, social services, and educational services. It states the federal funds normally administered to band governance be given to the provincial government in ensuring equal and adequate level of services for the Gitksan.

The removal of band membership would be a complete loss of status under the *Indian Act* with no alternative other than assimilation as a Canadian citizen with ties to an identified Gitksan house. No longer is the concern for those members who obtained Gitksan membership through the father's lineage but to eliminate status for the entire Gitksan nation.

Essentially, a stripping of identity as a band member belonging to the Gitksan nation would take place. This disconnect will certainly create mayhem and one can only assume the AGM treaty model has a concrete plan to address this issue. Although the hereditary system is in place, the younger generations are not versed in the language, cultural practices and generally overlooked as contributors to their house group.

4. Taxes

"The Gitksan are prepared to pay income and sales taxes just as other Canadians. The fact is, Gitksan already pay the same taxes that "non-Indian" citizens pay" (Gitksan Treaty Society - AGM, 2008). The GTS state Gitksan members already pay taxes on items such as food, gas, clothing, entertainment when purchased off reserve.

The AGM model claims the services rendered to First Nations are 35% less than that of tax paying Canadians due to the tax free advantage First Nations are granted by the government.

The non-payment of taxes has been awarded under *Section 87* of the *Indian Act* where

any person holding a status card issued by AANDC earning a wage on reserve land is not subject to income tax deductions. This income is deemed property and not subject to pay federal or provincial taxes afforded under *Section 87*. Courts view the tax exemption granted as a constitutional Aboriginal right and is intended to preserve the right of First Nations on reserve lands which are to be free of government action or taxes.

First Nations choosing to forego their tax exemption status is a familiar piece of the BC treaty process. The AGM negotiators believe after a number of years the Gitxsan will be par with fellow British Columbians regarding economic stability, sustainable employment, and the idea of paying taxes to be less of an issue. The services and goods purchased by the Gitxsan prior to treaty for feasts, personal use, and business are subject to taxes as the purchases are made off reserve. Therefore, the Gitxsan are viewed by these negotiators as being well on their way to becoming familiar to the role of a common tax payer for this reason alone.

However, the payment of taxes will place the Gitxsan at a disadvantage due to the lower wages paid on reserve lands. This is due to the limited resources provided under the AANDC framework. The AGM does not discuss the pay inequity of its members nor does it provide a solution in addressing this pay inequity.

8.0 Discussion

In December 2008, those house group members outside of the GTS became aware of the treaty negotiations being sought on their behalf. This lack of communication is in direct conflict with Stage 1 of the BC Treaty process. The negotiators and GTS were not appointed by the Gitxsan membership but rather the house Chiefs for 26 house groups, leaving 44 Chiefs and their members without a voice. These self-identified leaders have taken it upon

themselves to become the voice of the Gitxsan Nation.

It was at this time, many of the Gitxsan membership opposed the movement towards treaty. This opposition sought legal counsel and received financial funding from the Gitxsan Government Commission by way of BCR from the communities of Kispiox, Gitanmaax, Gitwangak and Glen Vowell. These communities have a population base of 5351 Gitxsan members both on and off reserve (AANDC, 2013). These communities offer support to the *Spookw vs Gitxsan Treaty Society* lawsuit being heard in the BC Supreme Court. The litigation is being led by a small handful of Hereditary Chiefs and has cost 1.2 million dollars thus far.

In response to the treaty negotiations, hundreds of members opposing the AGM treaty have engaged in blockades, petitions, and the litigation process. The litigation continues with the formation of the Gitxsan Unity Movement (GUM). The GUM consists of volunteers working together to return the authority and jurisdiction back to its rightful place, the Gitxsan Simgiigyet and the Gitxsan Nation. It is a not-for-profit organization run solely on donations.

A majority rule would not work in this case due to the fact 26 Hereditary Chiefs hold the voting power as it relates to treaty for the Gitxsan. Rather, a minority rule is the way in which decisions are being determined for the nation. Should a majority rule voting be imposed, the AGM would not be accepted or approved in its current state. However, in order for a majority rule to be a successful tool in this process, the voters must be in support and approve the negotiations being conducted on their behalf. Unfortunately, this is not the case with the AGM and the Gitxsan Treaty Negotiators. The anger, frustration, and disappointment felt by those in opposition are only growing stronger and louder.

The British Columbia Treaty Commission identifies opportunities for First Nations to

exercise their Aboriginal rights such as the main table meetings which are open to the public. At these meetings, members are encouraged to enquire, share concerns and ideas where a real difference can be made. It further states a referendum is not a tool for ratifying treaty due to the following:

- Agreement exists within the parties
- Treaties are about rights, not voter preference
- A referendum is not appropriate in dealing with an issue as complex as a treaty

In the end, those members who advise their negotiators what to negotiate are the same members who are to approve the final treaty is what the British Columbia Treaty Commission strives to achieve. This appears to be the process which has been created in the Gitksan nation through the GTS – the board consisting of 26 Hereditary Chiefs will ratify the treaty. This was negotiated prior to the final stages of treaty by all parties involved where it was predetermined as to how the treaty will be ratified – minority rule.

The British Columbia Treaty Commission goes further and says the honor of the Crown requires adherence to the ratification process that was agreed to, and that a referendum would mark the end of the negotiation of modern day treaties throughout British Columbia (BC Treaty Commission , 1998).

In Canada, democracy means more than 'majority rules'. It also means the protection of fundamental rights and entitlements by the rule of law (BC Treaty Commission , 1998). That is part of our modern culture and it does not mean putting the rights of every First Nation, as defined by a treaty, to a country-wide or even province-wide vote (BC Treaty Commission , 1998).

The possibility of losing reserve lands, band membership, and the realization treaty

negotiations come with a large repayable price tag are contentious issues. These members feel they are not being heard by the hereditary Chiefs, GTS Negotiators, and the governmental bodies involved. The underlying message is they will not be sold.

9.0 Conclusion

As the GTS move closer to concluding Stage 4 of the treaty process, in the research conducted for this paper, there is no evidence found as to how the GTS plan to prepare the Gitxsan nation for such a societal shift. At this point in time, the AGM lacks an implementation and transition plan of any form. It fails to provide solutions to address each of the tenants within the document determining how and why the nation is better for having implemented this treaty model. Should such a plan exist, it has not been shared with the public or the nation. It can only be speculated the AGM has considered the implications of such a treaty model and prepared accordingly.

In the event this is not the case, the GTS should return back to the nation hosting meetings ensuring all members, both on and off reserve, are informed and seek input from these members. They must determine exactly what the nation wants and to establish if treaty will provide the solutions needed. A collaborative approach is required for the nation to flourish, attain self-governance, and economic stability.

Self-governance is critical in a nation's ability to preserve its culture, language, hereditary systems, and to create a governance structure unique to the nation itself incorporating these cultural pieces. Without self-governance, the Gitxsan are once again vulnerable to a governance style not of their own resulting in more failed attempts as a contributing people to the province.

With many issues facing treaty negotiations in the territory, it seems an incredulous

task for the GTS to continue to strive towards the AGM being ratified. Recommendations are provided for consideration by the GTS should they continue to seek treaty as follows:

1. Reconsideration shall be granted for the need of self-governance and how this self-governance shall clearly address the needs and goals of the nation relating to education, housing, social programming, child welfare jurisdiction, health, food harvesting and economic development.
2. Consultations to take place immediately with house groups and their leadership to begin the process of healing while creating the opportunity for communication and eventually collaboration.
3. To determine how the Gitxsan will preserve and maintain the culture, its laws, identity and language.
4. Creation of a clear transition plan to account for time frames, financial considerations, training and educational preparations, governmental structure changes, and economic opportunities.

It will prove a daunting task for the GTS to move forward with the proposed AGM taking into consideration the opposition and its content. This will continue to be played out in the Gitxsan nation for years to come without resolution unless the GTS goes back to the drawing board and starts over; at which time, the government will have walked away from the negotiation process.

Bibliography

- (2010). Retrieved January 21, 2013, from Nisga'a Nation Knowledge Network:
www.nnkn.ca/node/14
- (2010, July 7). Retrieved from www.gitxsan.com:
<http://www.gitxsan.com/culture/alternative-governance/alternative-governance-model.html>
- (2012, December 27). Retrieved from BC Treaty :
http://www.bctreaty.net/files/pdf_documents/BCTCTalkingCircles.pdf
- AANDC Governance By-Law Workshop Session 1.* (2010, September 09). Retrieved from www.aandc.gc.ca: <http://www.aandc.gc.ca/eng/1100100013955/1100100013957>
- AANDC.* (2009, November 25). Retrieved from <http://www.bctreaty.net/nations/gitxsan>
- AANDC.* (2013, January 19). Retrieved December 27, 2012, from [aandc.gc.ca](http://www.aandc.gc.ca):
http://www.aandc.gc.ca/DAM/DAM-INTER-HQ-AI/STAGING/texte-text/rs_st_pubs_rip2011_pdf_1349278787966_eng.pdf
- Aboriginal Affairs and Northern Development Canada.* (2003, January). Retrieved from <http://pse5-esd5.aicn-inac.gc.ca>
- Aboriginal Affairs and Northern Development Canada.* (2012, 06 28). *First Nation Profiles.* Retrieved 12 27, 2012, from Aboriginal Peoples and Communities: http://pse5-esd5.aicn-inac.gc.ca/fnp/Main/Search/FNRegPopulation.aspx?BAND_NUMBER=719&lang=eng
- Alcantara, C. (2009, September). Old Wine in New Bottles? Instrumental Policy Learning and the Evolution of the Certainty Provision in Comprehensive Land Claims Agreements. *Canadian Public Policy* .
- BC Treaty Commission . (1998, July 30). *News Release* . Vancouver.
- BC Treaty. (2009, March 26). *Review BC Treaty Process.* Retrieved from www.bctreaty.net
- Begay, M. J., Cornell, S., & Jorgenson, M. &. (2007). Development, Governance, Culture- What Are They and What Do They Have to do with Rebuilding Native Nations? In *Rebuilding Native Nations-Strategies for Governance and Development* (p. 53). Tucson Arizona: The University of Arizona Press.
- Blackburn, C. (2005). Searching for Guarantees in the Midst of Uncertainty: Negotiating Aboriginal Rights and Title in British Columbia. *American Anthropologist* , 590.
- Burrows, J. (1999). *Sovereignty's Alchemy: An Analysis of Delgamuukw.* Retrieved March 2013, from [ww.sfu.ca](http://www.sfu.ca)
- Cornell, S., & Kalt, J. (2007). *Rebuilding Native Nations - Strategies for Governance and Development.* The University of Arizona Press.
- Gitxsan.* (2010, July 7). Retrieved January 10, 2013, from www.gitxsan.com:
<http://www.gitxsan.com/culture/alternative-governance/alternative-governance-model.html>
- Gitxsan Treaty Society - AGM.* (2008, May). Retrieved February 2, 2013, from [Gitxsan: www.gitxsan.com](http://Gitxsan.com)
- McDonald, N. (2010, March 22). *Going Out on Their Own. Mclean's* .

McKee, C. (2009). Treaty Talks In British Columbia. In *Treaty Talks in British Columbia - Building a New Relationship* (p. 43). Vancouver: UBC Press.

Quesnel, J., & Winn, C. (2011). The Nisga'a Treaty: Self Government and Good Governance - The Jury Is Still Out. *Public Policy* , 6.

Appendix 1 Gitxsan Traditional Territory Map

